

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

In re: Exide Technologies, <i>et al</i>	)	Bankr. Case No. 02-11125 (KJC)
	)	
EnerSys Delaware, Inc.,	)	
Appellant,	)	Civil Action No. 06-302 (SLR)
	)	
v.	)	
	)	
Exide Technologies,	)	<b>Related to Docket No. 12</b>
Appellee.	)	
	)	

**EMERGENCY MOTION FOR AN ORDER GRANTING ENERSYS DELAWARE, INC.  
F/K/A ENERSYS, INC. LEAVE TO FILE AN OPENING BRIEF EXCEEDING THE 40  
PAGE LIMIT WITHIN LOCAL RULE 7.1.3(D)**

EnerSys Delaware, Inc. f/k/a/ EnerSys, Inc. (the “EnerSys”) moves this Court for an order granting it leave to file an opening appeal brief in excess of the 40 page limitation within Local Rule 7.1.3(D) of Civil Practice and Procedure of the United States District Court for the District of Delaware (“D. Del. L.R.”). EnerSys states the following in support of its Motion:

1. On April 5, 2006, EnerSys filed its Notice of Appeal from the April 3, 2006 Order of the Bankruptcy Court authorizing Exide Technologies (the “Appellant”) to reject various agreements between the parties. On July 11, 2006, EnerSys filed its Amended Notice of Appeal from the July 3, 2006 Order from the Bankruptcy Court approving a transition plan and denying EnerSys’ Motion for Stay Pending Appeal without prejudice.

2. Pursuant to the Court’s Scheduling Order entered on August 8, 2006, EnerSys’ opening brief in this its appeal is due on September 5, 2006.

3. This appeal involves complex issues requiring intensive analysis. Further, as is clear from the Court’s docket, the trial record is expansive and the recitation of the relevant factual, procedural and legal arguments will be lengthy.

4. EnerSys respectfully requests to exceed the 40 page limitation of D. Del L.R. 7.1.3(D). EnerSys requests that its Opening Brief be allowed to total up to 60 pages. EnerSys regrets making this request so close to the due date of its brief, but EnerSys has only just determined the need for additional pages.

5. Pursuant to its obligations under D. Del. L.R. 7.1.1, EnerSys contacted counsel for the Appellant to determine if it had any objection to this request. Counsel for the Appellant indicated there was no objection, so long as the Appellant would be afforded same right to exceed the 40 page limit its appeal brief.

WHEREFORE, EnerSys respectfully requests that the Court grant this Motion for the reasons set forth above.

Dated: August 30, 2006

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**CERTIFICATE OF SERVICE**

I, THOMAS G. WHALEN, JR., hereby certify that on August 30, 2006, I caused a true and correct copy of *EMERGENCY MOTION FOR AN ORDER GRANTING ENERSYS DELAWARE, INC. F/K/A ENERSYS, INC. LEAVE TO FILE AN OPENING BRIEF EXCEEDING THE 40 PAGE LIMIT WITHIN LOCAL RULE 7.1.3(D)* to be served upon the parties listed below in the manner indicated:

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